

REMARKS

The drawing was objected to because reference 215 is used in two different contexts. A corrected drawing is submitted herein, and the Examiner's approval of the corrected drawing is requested. The specification is also amended to correspond to the corrected drawing.

Claims 2-30 were objected to because, allegedly, they fail to further limit the claims. The undersigned, applicants' attorney, spoke with Examiner Dyke on May 2, 2006, and the Examiner informed the undersigned that the objection is in error, and may be ignored.

Claims 1, 8, 9, 11, 13, 14, 18, 20, 28, 29, 31, 37, 39, 41, and 43 were rejected under 35 USC 102 as being anticipated by the "applicant admitted prior art" (AAPA). Applicants respectfully disagree.

The Examiner asserts that a module is a self-contained component that is used in combination with other components, that a human meets the definition of a "module" and that therefore a human can be considered as part of the "arrangement" defined in claim 1. The Examiner also suggests that terminal 130 or analyzer 110 of applicants' FIG. 1 can serve as the fourth module of claim 1.

Respectfully, applicants disagree. Claim 1 – prior to its amendment – specifies a fourth module that transmits the "configuration-information regarding configuration files of one or more of said routers" that was developed by the third module. The following analysis focuses on these limitations and demonstrates that none of analyzer 110, terminal 130, or a human (even if the human is considered a module) correspond to the module defined in claim 1.

Re analyzer 110:

Applicants' specification teaches that the prior art analyzer "receives traffic information from the routers, reduces the data through analysis to create summary information, and sends the summary information to controller 120 (emphasis supplied). Since analyzer 110 does not receive "said configuration-information" because it receives *traffic information from the routers*, and since analyzer 110 does not transmit "said configuration-information" because it sends *summary information*, it follows that analyzer 110 does not correspond to the fourth module of claim 1.

Re terminal 130:

Applicants' specification also teaches that "controller 120 determines whether the service requirements of customers are met," and when "it is found that the network is congested, or when it is determined that the service agreements are not met, information is communicated to a network administrator at terminal 130." Thus, information that is communicated to terminal 130 is clearly not "said configuration-information." Moreover, terminal 130 does not transmit anything because received information is merely displayed, so the question as to whether it transmits to "said one or more routers" is not even reached. Hence, terminal 130 does not correspond to the fourth module of claim 1.

The human administrator:

Applicants' specification additionally teaches that an administrator, in response to information communicated to terminal 130 when it is determined that network congestion exists, "manually fashions a modified configuration file for one or more of the routers, and downloads the modified configuration files" (emphasis supplied). It is quite clear that the information provided to the administrator is NOT "said configuration information" – since that is the contribution of the administrator, which contribution is based on the information provided to the administrator and the administrator knowledge of network management and experience in managing the network. Hence, even if it were concluded that a human can be a "module" in an arrangement of modules, in the case at hand the human administrator does not correspond to the fourth module of claim 1.

In view of the fact that none of analyzer 110, terminal 130, and the human administrator correspond to the fourth module of claim 1, it is respectfully submitted that claim 1 is not anticipated by the AAPA. The same conclusion necessarily applies to all of the rejected claims that depend on claim 1; to wit, the claims 8, 9, 11, 13, 14, 18, 20, 28, 29, and 37.

To reiterate, claim 1 – prior to its current amendment – is not anticipated by the AAPA. Independently of the rejection, and as demonstrated above wholly unnecessary from the standpoint of overcoming the prior art, claim 1 is amended to specify that the arrangement is an apparatus.

Claim 31 is a method claim, which is amended to correct a typographical error. The Examiner asserts that “claim 31 in its present form does not disqualify a human network administrator from using a computer to develop a new configuration file.” Applicants respectfully traverse.

The AAPA teaches a computer process where traffic data from routers is processed to create summary information; the summary information is assessed to determine whether extant service-level agreements are being satisfied; and when the agreements are not satisfied, “information” is communicated to a human administrator. The human administrator “manually fashions” configuration files using his/her knowledge and experience (see paragraph 6 of the specification) and downloads the modified configuration files. The AAPA does NOT teach that the human administrator does, or could, use a computer to create the configuration files. To the contrary, the AAPA teaches that the administrator “manually” fashions those files, which strongly suggests the contrary of what the Examiner asserts.

To assert that the AAPA teaches that the human administrator does not “manually” fashion the configuration files would, of course, fly in the face of what the AAPA expressly teaches; and it does not appear that the Examiner is making this assertion. Rather, the Examiner is asserting that the human administrator is using a computer. To make the assertion comport with the teachings in the AAPA and also with claim 31, it must be said that the Examiner is asserting that *the human administrator manually fashions the configuration files by using the computer that provides the information that the administrator needs and which performs the other steps of claim 31*. Respectfully, there is no basis for such an assertion because the AAPA does NOT teach this. If the Examiner disagrees, applicants respectfully request a citation of paragraph and line numbers pointing to such a teaching. Further, such a situation makes little sense since it would leave essentially no function to be performed by the human administrator. Further still, such an assertion is also wholly contrary to express teachings in applicants’ specification about the deficiencies associated with the AAPA, as expressed in paragraph 6. It is respectfully submitted, therefore, that neither the process claim 31 nor the apparatus claim 1 are anticipated by the AAPA.


Claims 2-7, 10, 12, 15, 16, 19, 21-26, 27, 30, 32-36, 38, 40, 42, and 45-47 were rejected under 35 USC 103 as being unpatentable over the AAPA. Applicants respectfully traverse. The sole assertion made by the Examiner in connection with all of these claims is that the various limitations or attributes recited in the dependent claims are well known. Respectfully, if the Examiner wishes to maintain the rejection, applicants request a demonstration of this alleged fact. Moreover, it is respectfully submitted that these claim, which are all dependent on either claim 1 or claim 31, are patentable at least by virtue of their respective dependencies.

New claims 48 and 49 are added herein to more explicitly define the subject matter so that the human administrator is neither an element of the defined apparatus, nor a step in the defined process.

In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's objections and rejections have been overcome. Reconsideration and allowance are respectfully solicited.

Respectfully,
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REPLACEMENT SHEET

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FIG. 4

